

LOUSHONDA MYERS, et. al.,  
Plaintiffs,  
Vs.  
THE STATE OF NORTH CAROLINA, et. al.,  
Defendants.

NOW COMES defendants Sheriff Donnie Harrison (and any unknown officers/agent of the Wake County Sheriff's Department) and Wake County and all hereby move the court to dismiss this action pursuant to Rule 12(b)(6) the Federal Rules of Civil Procedure on the grounds that the plaintiff's complaint fails to state a claim upon which relief may be granted and should be dismissed.

/s/ John A. MAXfield  
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/s/ Roger A. Askew

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Defendants.

I hereby certify that on January 10, 2013 I electronically filed the foregoing MOTION TO DISMISS and, I hereby further certify that I served this document electronically pursuant to Local Civil Rule 5.1(b) upon all registered users of CM/ECF; and upon all other non-registered parties or attorneys pursuant to Rule 5 of the Federal Rules of Civil Procedure by depositing a copy in the care and custody of the United States Postal Service with proper postage affixed thereon this 10<sup>th</sup> day of January 2013, and addressed as follows:

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